BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA

IN THE MATTER OF	)	CASE NO. 11-014
	)	
Jason D. Ebelsheiser, D.C.	)	
License No. 06743	)	**NOTICE OF HEARING AND**
RESPONDENT.	)	**STATEMENT OF CHARGES**
	)	

COMES NOW the Iowa Board of Chiropractic (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Administrative Code rule 11.6. Respondent was issued Iowa license 06743 on October 26, 2004. Respondent's license is active and will next expire on June 30, 2012.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 11, 2012 before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, Des Moines, Iowa 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 Iowa Administrative Code rule 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Chiropractic, 5th Floor, Lucas State Office Building, Des Moines 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found in Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements in 645 Iowa Administrative Code rule 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained in 645 Iowa Administrate Code rule 11.17.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board Members may only receive information about the case when all parties have notice and opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 151, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 151, and 272C and under 645 Iowa Administrative Code rule 11.21.

Default. If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 Iowa Administrative Code rule 11.21.

C. STATUTES AND RULES INVOLVED

Count I

Respondent is charged with conviction of a felony related to the profession or occupation of the licensee or conviction of any felony that would affect the licensee's ability to practice within the profession in violation of Iowa Code section 147.55(5) and 645 Iowa Administrative Code rule 45.2(11).

Count II

Respondent is charged with violation of a regulation or law of this state, another state, or the United States, which relates to the practice of the profession in violation of Iowa Code section 147.55(5) and 645 Iowa Administrative Code rule 45.2(12).

D. FACTUAL CIRCUMSTANCES

1. On July 27, 2009, in Mahaska County District Court for the State of Iowa, Respondent was charged with five counts of sexual abuse in the third degree and one count of tampering with records in violation of Iowa Code sections 709.4 and 715A.5.

2. On July 29, 2009, the Board administratively opened several complaints against the Respondent.

3. On July 30, 2009, the Board issued an Emergency Adjudicative Order prohibiting the Respondent from performing any soft tissue chiropractic treatment in the anterior umbilicus to mid-thigh region, including any psoas treatment, requiring Respondent to have a non-family, adult female chaperone present at all times when providing chiropractic treatment to a female patient, and requiring Respondent to provide notice of the order to all employees and female patients.

4. On September 3, 2009, in Mahaska County District Court for the State of Iowa, Respondent was charged with two additional counts of sexual abuse in the three degree in violation of Iowa Code section 709.4.

5. On October 12, 2009, the Board continued hearing on the Emergency Adjudicative Order until resolution of the pending criminal case.

6. On October 29, 2010, Respondent was found guilty of one count of sexual abuse in the third degree, a Class "C" felony in violation of Iowa Code section 709.4, two counts of assault with intent to commit sexual abuse, an aggravated misdemeanor, in violation of Iowa Code section 709.11, and one count of tampering with records, an aggravated misdemeanor, in violation of Iowa Code section 715A.5. The jury was unable to return a verdict on two of the counts.

7. On January 6, 2011, Respondent was sentenced to a term of incarceration not to exceed ten years on the sexual abuse in the third degree conviction, a term of incarceration not to exceed two years on each of the assault with intent to commit sexual abuse convictions, and to a term of incarceration not to exceed two years on the records tampering conviction. The district court further ordered that the sentences for third-degree sexual abuse and record tampering run consecutively and the sentences for the assault with intent to commit sexual abuse convictions run concurrently with the third-degree sexual abuse conviction.

8. The Board found probable cause to issue a Notice of Hearing and Statement of Charges related to the above convictions on February 8, 2011.

9. On July 11, 2011, the Respondent pled guilty to one count of sexual abuse in the third degree, a Class "C" felony in violation of Iowa Code section 709.4 and one count of assault with intent to commit sexual abuse, an aggravated misdemeanor. The Respondent was sentenced to twelve years imprisonment, to be run concurrently with the sentence imposed in January.

10. During his allocution, Respondent reportedly admitted, "She was a patient of mine, and I had made inappropriate contact with my hand in her genitalia or very close to that region."

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code chapter 12.

F. FINDING OF PROBABLE CAUSE

On December 2, 2011 the Iowa Board of Chiropractic found probable cause to file this Statement of Charges and to order a hearing set in this case.